

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

First Named		Confirmation No.: 2612
Inventor	: David Allport	Group Art Unit: 2426
Appln. No.	: 10/065,075	Examiner: Hong, Hyun J.
Filed	: September 13, 2002	
For	: POINT-BASED SYSTEM AND METHOD FOR INTERACTING WITH ELECTRONIC PROGRAM GUIDE GRID	
Docket No.	: E84.12-0001 / ER1615.01US	

BRIEF FOR APPELLANT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I HEREBY CERTIFY THAT THIS PAPER
IS BEING TRANSMITTED VIA THE
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BOX 1450, ALEXANDRIA, VA 22313-1450,
THIS 13 DAY OF MAY, 2011.

/DAVID D. BRUSH/
PATENT ATTORNEY

Sir:

Applicant appeals to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner mailed January 20, 2011, finally rejecting claims 1-128, 161 and 162.

REAL PARTY IN INTEREST

Research Investment Network, Inc., a corporation organized under the laws of the state of Delaware, and having offices at 1925 E. Dominguez Street, Long Beach, CA 90810, has acquired the entire right, title and interest in and to the invention, the application, and any and all patents to be obtained therefor, as set forth in the Assignment filed with the patent application and recorded on Reel 013087, frame 0605.

RELATED APPEALS AND INTERFERENCES

There are no known related appeals or interferences that will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

STATUS OF THE CLAIMS

- I. Total number of claims in the application.
- | | |
|--------------------------------|--------------------|
| Claims in the application are: | 1-128, 161 and 162 |
|--------------------------------|--------------------|
- II. Status of all the claims.
- | | |
|--|--------------------|
| A. Claims cancelled: | 129-160 |
| B. Claims withdrawn but not cancelled: | None |
| C. Claims pending: | 1-128, 161 and 162 |
| D. Claims allowed: | None |
| E. Claims rejected: | 1-128, 161 and 162 |
| F. Claims Objected to: | None |
- III. Claims on appeal
- | | |
|---------------------------|--------------------|
| The claims on appeal are: | 1-128, 161 and 162 |
|---------------------------|--------------------|

STATUS OF AMENDMENTS

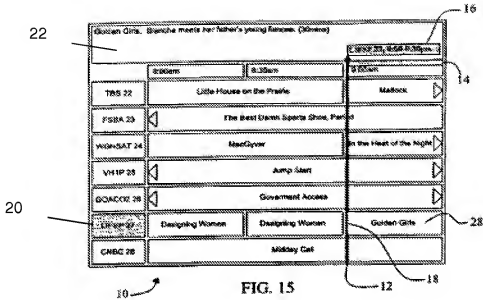
No amendments were filed subsequent to the final rejection.

SUMMARY OF CLAIMED SUBJECT MATTER

A. Introduction

An exemplary aspect of the disclosure relates to a method and apparatus for visually indicating a currently active cell in a grid of an interactive Electronic Programming Guide (EPG) (See, e.g., FIG. 12 and 14-21, Para. [0075] of Specification).

Fig. 12 and Figs. 14-21 (annotated Fig. 15 copied below) show an example of a grid 10 with a visual indicator (e.g., an information line) 12 in accordance with an embodiment of the disclosure, together with a duration strip 14, an enhanced descriptive label 16, a distinctive segment 18, an active row 20, and a supplemental information display 22. In particular, Figs. 16, 17, and 18 may be contrasted with Figs. 4, 5 and 6 to illustrate the visual differences between the visual indicator of the present disclosure (e.g., information line 12) and other cell highlighting approaches. (Para. [0091] of Specification).



Visual elements that indicate the currently active program perform two functions: first, they indicate an association between the active program and the information shown in the supplementary information display (such as 16 and 22 in FIG. 12); second, they indicate the starting point of any grid navigation that would make a new program active and possibly thereby also scroll the grid to display new times or channels. (Para. [0075] in Specification).

Common characteristics of prior art methods to indicate which program is active include using a two-dimensional highlight (as shown in Figs. 4, 5 and 6), which corresponds to a period in time that represents all of the airing period of the program that is displayed in the grid, has a width that changes frequently as it is moved to program cells of different sizes, and has a vertical motion between rows that is in many cases visually erratic due to nonalignment of program cells on adjacent rows. (Paras. [0076]-[0081] in Specification).

An exemplary embodiment of the current disclosure recognizes that neither of the two functions of the graphical elements which indicate the active program actually requires that these indicators have a two-dimensional form, and that these functions may be more efficiently achieved using alternative graphical elements, which include a visual indicator of a currently active point in time, that has the following properties (for example):

(a) It corresponds to a single point in time during the airing period of the associated program, which functions to associate that program with the supplementary program information display and to indicate the starting point for grid navigation.

(b) It may have no distinguishable parts in the horizontal dimension. Obviously, some horizontal extent is necessary in order to be visible at all. But even if the visual indicator takes the form of an icon which has a horizontal extent greater than that represented by a one-dimensional vertical line (for example corresponding to a period of several minutes along the horizontal dimension of the grid), its form will indicate which point within that period is the currently active one (see, for example, Fig. 28).

(c) It may take the form of a vertical line (e.g., line 12 in Fig. 15) intersecting more than one row in the grid, and it may have visually distinct parts in the vertical dimension where it intersects the currently active row of the grid.

(d) It may have exactly the same size wherever it moves horizontally in the grid.

(e) Its vertical motion is completely predictable, for example. (Paras. [0082]-[0087] in Specification). Its horizontal position after a user request to move up or down is, for example, exactly the same as its horizontal position before such a request. When it takes the form of a vertical line intersecting all rows of the grid, it has no vertical motion, but the intersection of the information line and the currently active row is visually distinguished (e.g. by color, line style, etc.), so there may be a visual motion of the distinguished section of the line with no associated horizontal motion or change of size of any kind, for example. (Para. [0088] in Specification)

B. Claimed Subject Matter

1. Independent Claim 1

Independent claim 1 is directed to an electronic program guide system comprising:

a program grid (10) including a plurality of cells, wherein each of said cells contains program information (Figs. 12 and 14-21); and

a visual indicator (12) of an active point in time disposed within said program grid (10) (Figs. 12 and 14-21, Paras. [0091]-[0092], [0120] in Specification);

said program grid including an axis representing time (Figs. 12 and 14-21, Para. [0120]); said visual indicator (12) including a position corresponding to a single point in time of an active cell (28) within said grid (e.g., Fig. 15, Para. [0038]); wherein a portion (18) of said visual indicator (12) specifying said active cell (28) is visually different (e.g., dotted as described in para. [0092]) from another portion of said visual indicator (12), wherein said visual indicator is movable relative to the axis in response to user commands, and each up, down, left or right user command causes the visual indicator (12) to move to and activate a different cell within the grid (10) that is adjacent to the currently active cell (paras. [0095]-[0097], [0104], [0108], [0117]), and wherein in response to a single user command, if the different cell is not currently visible in a currently displayed portion of the program grid, the single user command causes the system to scroll the plurality of cells in the program grid so that at least some part of the different cell is visible (Para. [0097]).

2. Independent Claim 33

Independent claim 33 is directed to a method of displaying an electronic program guide comprising:

displaying on a display a program grid (10) including a plurality of cells, wherein each of said cells contains program information, said program grid including an axis representing time (Figs. 12 and 14-21); and

displaying a visual indicator (12) of an active point in time of an active cell (28) disposed within said program grid (10) (Figs. 12 and 14-21, Paras. [0091]-[0092], [0120] in Specification), said visual indicator (12) having a position corresponding to a single point in time within said grid (10) (Paras. [0091]-[0092], [0120] in Specification), wherein a portion (18) of said visual indicator (12) specifying said active cell (28) is visually different (e.g., dotted as described in para. [0092]) from another portion of said visual indicator (12), and wherein said visual indicator (12) is movable relative to the axis in response to user commands, and each up, down, left or right user command causes the visual indicator (12) to move to and activate a

different cell within the grid that is adjacent to the currently active cell (paras. [0095]-[0097], [0104], [0108], [0117]), and wherein in response to a single user command, if the different cell is not currently visible in a currently displayed portion of the program grid, the single user command causes the system to scroll the plurality of cells in the program grid (10) so that at least some part of the different cell is visible (Para. [0097]).

3. Independent Claim 65

Independent claim 65 is directed to a computer-readable medium (para. [0122] in Specification) having stored thereon sequences of instructions which, when executed by a processor, cause the processor to perform steps comprising:

displaying a program grid (10) including a plurality of cells, wherein each of said cells contains program information, said program grid including an axis representing time (Figs. 12 and 14-21); and

displaying a visual indicator (12) of an active point in time of an active cell (28) disposed within said program grid (10) (Figs. 12 and 14-21, Paras. [0091]-[0092], [0120] in Specification), said visual indicator (12) having a position corresponding to a single point in time within said grid (10) (Paras. [0091]-[0092], [0120] in Specification), wherein a portion (18) of said visual indicator (12) specifying said active cell (28) is visually different (e.g., dotted as described in para. [0092]) from another portion of said visual indicator (12), the visual indicator (12) being displayed on all cells of said active point in time disposed with said program grid, wherein said visual indicator (12) is movable relative to the axis in response to user commands, and wherein the plurality of cells currently displayed in the program grid are stationary for at least some movements of the visual indicator (12) to new positions within the cells currently displayed within the program grid (10) (e.g., Fig. 11, Paras. [0104] to [0112] for a “move right” command).

4. Independent Claim 97

97. (Previously Presented) A computer program embodied on a computer-readable storage medium (para. [0122] in Specification) for displaying an interactive electronic program guide comprising:

a code segment configured to cause a screen to display a program grid (10) including a plurality of cells, wherein each of said cells contains program information, said program grid including an axis representing time (Figs. 12 and 14-21); and

a code segment configured to cause a screen to display a visual indicator (12) of an active point in time of an active cell (28) disposed within said program grid (10) (Figs. 12 and 14-21, Paras. [0091]-[0092], [0120] in Specification), said visual indicator (12) having a position corresponding to a single point in time within said grid (Paras. [0091]-[0092], [0120] in Specification), wherein a portion (18) of said visual indicator (12) specifying said active cell (28) is visually different (e.g., dotted as described in para. [0092]) from another portion of said visual indicator (12), the visual indicator (12) being displayed on all cells of said active point in time disposed with said program grid (10), wherein said visual indicator (12) is movable relative to the axis in response to user commands, and wherein the plurality of cells currently displayed in the program grid (10) are stationary on the screen for at least some movements of the visual indicator (12) to new positions within the cells currently displayed within the program grid (10) (e.g., Fig. 11, Paras. [0104] to [0112] for a “move right” command).

As required by 37 C.F.R. § 41.37(c)(1)(v), a concise explanation of the subject matter defined in the independent claims involved in the appeal is provided herein. Appellant notes that representative subject matter is identified for these claims; however, the abundance of supporting subject matter in the application prohibits identifying all textual and diagrammatic references to each claimed recitation. Appellant thus submits that other application subject matter, which supports the claims but is not specifically identified above, may be found elsewhere in the application. Appellant further notes that this summary does not provide an exhaustive or exclusive view of the present subject matter, and Appellant refers to the appended claims and their legal equivalents for a complete statement of the invention.

GROUND'S OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1, 24-46, 56-78, 88-110, 120-128, 161 and 162 were rejected under 35 U.S.C. 103(a) as being unpatentable over:

- Schein, U.S. Patent No. 6,412,110 in view of
- Yamashita, U.S. Patent No. 7,051,353.

Claims 15-23, 47-55, 79-87 and 111-119 were rejected under 35 U.S.C. 103(a) as being unpatentable over:

- Schein, U.S. Patent No. 6,412,110 in view of
- Yamashita, U.S. Patent No. 7,051,353 in view of
- Broadus, U.S. Publication No. 2002/0144264.

ARGUMENT

In the following paragraphs of this section of the Appeal Brief, Appellant will show that the rejections fail at least because the applied references do not disclose, either alone or in combination, a visual indicator that represents and single point in time and is movable relative to a time axis, wherein each up, down, left or right user command causes the visual indicator to move to and activate a different cell within the grid that is adjacent to the currently active cell.

I. CLAIM REJECTIONS BASED ON SCHEIN AND YAMASHITA SHOULD BE REVERSED

Claims 1, 24-46, 56-78, 88-110, 120-128, 161 and 162 were rejected under 35 U.S.C. 103(a) as being unpatentable over Schein, U.S. Patent No. 6,412,110 in view of Yamashita, U.S. Patent No. 7,501,353.

A. **Schein**

As shown below, Schein discloses a time line 199 that represents the current time. (Schein, Col. 4, lines 59-61). Time line 199 is not movable (relative to an axis representing time) in response to user commands.

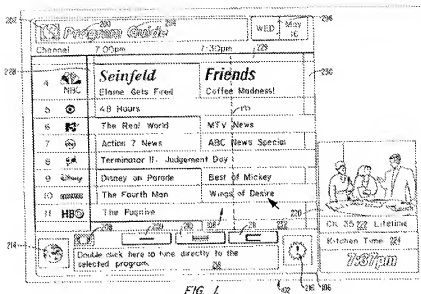


FIG. 1

Schein also discloses a pointer (black arrow pointing to “Wings of Desire” in the above figure), which is movable by a viewer through an input device. (Schein, Abstract and col. 4, lines 27-32).

1. Schein’s Time Line 199 (Fig. 1) is Not Movable Relative to Time Axis In Response to User Commands per Applicant’s Claim 1 - And Such Movement Would Destroy the Functionality of Schein

a. **Examiner’s Position**

In the current Office Action (pages 2-3), the Examiner states,

Regarding claim 1, Schein discloses an electronic program guide system comprising (fig. 1):

A program grid including a plurality of cells, wherein each of said cells contains program information (fig. 1 (199)); and

A visual indicator of an active point in time disposed within said program grid (fig. 1(199)) . . .

Wherein a portion of said visual indicator specifying said active cell is visually different from another portion of said visual indicator (fig. 1(199) the timeline is a dotted line). wherein said visual indicator is moveable relative to the axis (col. 4 lines 7-21). (Bold emphasis added)

The Examiner considers that Schein’s time line 199 is movable along the axis because the

time line shifts positions as time changes (fig. 1). The Examiner concludes that the time line is not a stationary object and therefore is movable along the axis.

b. Applicant's Position

Applicant's claim 1 requires,

“said program grid including an axis representing time;”

“said visual indicator is movable relative to the axis in response to user commands”

Schein states,

As shown in FIG. 1, the current time is represented by the location of the time line 199 with respect to the start times of the programs. (Col. 4, lines 59-61).

Time line 199 merely represents the current time. Nowhere does Schein disclose or suggest that time line 199 is movable (relative to an axis representing time) in response to user commands.

If time line 199 were movable relative to the axis representing time based on user commands, then its location would fail to represent the “current time”!

No person of ordinary skill in the art would interpret time line 199 to be movable relative to the axis (representing time) in response to user commands. Further, no person would be led to modify Schein to move axis 199 in the manner recited in claim 1, since such a modification would destroy its functionality as an indicator of the current time.

2. Schein's Time line 199 (Fig. 1) Does Not Have a Portion Specifying an Active Cell

AND/OR That is Visually Different per Applicant's Claim 1

The Examiner states,

“fig. 1 (199) *the timeline is a dotted line*” . . .

“The time line intersects cells along the vertical axis and these cells are considered active cells (fig. 1) Since the timeline is a dotted line, some portions of the line are different than other portions.” (Office Action page 13)

Looking at FIG. 1 in Schein, the time line 199 is a vertical dotted line. The entire time line 199 is dotted.

Time line 199 does not have a portion specifying an “active cell”, as required by claim 1.

All cells on a particular time line are not active. An active cell at a particular time indicates a particular active program. (Specification, paras. [0004], [0075], [0088])

Further, since the entire time line 199 is dotted, time line 199 does not have a portion specifying the active cell, which is visually different from another portion of said visual indicator, as required by claim 1. Rather, the time line 199 is dotted across all cells (active or not) positioned at the current time.

Moreover, since the entire time line 199 is dotted, any portion that is “visually different” from another portion does not specify an active cell.

If the Examiner intended to refer to the solid portions of dotted time line 199 versus the empty portions of the time line, then this characteristic (dotted portion versus empty portion) would fail to indicate an active cell. And, the pattern of the time line at which it crosses the active cell is the same as the pattern of the line that crosses the non-active cells.

Thus, time line 199 fails to anticipate the visual indicator recited in claim 1.

3. Examiner's Citation to Schein Col. 4, lines 7-21 Fails to Support Rejection

On page 3, lines 1-3 of the current Office Action, the Examiner cites Schein, col. 4, lines 7-21 as supporting the notion that time line 199 is movable relative to the time axis:

FIG. 1 illustrates a program guide 102 for the television schedule system of the present invention. The program guide 102, which is the primary mode in the television schedule system, includes a number of screen information areas or windows in a particular screen where the viewer operates an input device, such as a pointer device described above, to move around vertically and horizontally and to interact with that screen area's function. Preferably, the currently active screen area will be indicated to the viewer, for example, by changing the background color from a light greyscale metallic to a brighter, active color. Within each screen area are one or more items, typically arranged in a matrix or grid so that the viewer can scroll through the grid. The items can be selected or activated with the input device.

As shown in FIG. 1, program guide 102 preferably includes a schedule information area 106 having a program matrix 108 of cells or items that depict the shows that are being presented on each channel at each time during the day. Program guide 102 conveniently lists the channels in a vertical column to the left of the program matrix 108 and the times in a horizontal row above matrix 108. The viewer selects an area by moving a pointer 110 over the area associated with a desired action. When the

pointer 110 is moved over an area, the item may be automatically highlighted with a brighter color to indicate the viewer's location.

But the movement referred to in this section is movement of the mouse pointer 110, or scrolling through the grid. In any case, the time line 199 does not move relative to the time axis in response to user up, down, left or right commands.

4. Schein's Pointer 110 Also Fails to Meet the Claimed "Visual Indicator"

As a reminder from Applicant's previous responses, the pointer 110 also cannot be interpreted to anticipate or render obvious the claimed "visual indicator".

The pointer 110 is movable but lacks the following features of Applicant's claim 1:

- a position corresponding to a single point in time of an active cell within the grid (since Schein's entire active cell is highlighted when the user moves the pointer over the area associated with the cell, the pointer corresponds to a graphical area having a time duration) (See, Col. 4, lines 27-32);
- a portion of said visual indicator specifying said active cell is visually different from another portion of said visual indicator (Schein states in col. 4, lines 27-32 that "the item" may be highlighted, but does not teach or suggest, for example, that a portion of the pointer may be highlighted relative to another portion of the pointer); and
- each up, down, left or right user command causes the visual indicator to move to and activate a different cell within the grid that is adjacent to the currently active cell, and wherein in response to a single user command, if the different cell is not currently visible in a currently displayed portion of the program grid, the single user command causes the system to scroll the plurality of cells in the program grid so that at least some part of the different cell is visible.

Thus, Schein's mouse pointer cannot be interpreted as corresponding to Applicant's claimed "visual indicator".

B. Yamashita

The Office Action acknowledges,

Schein does not disclose in response to user commands, and each up, down, left or right user command causes the visual indicator to move to and activate a different cell within the grid that is adjacent to the currently active cell, and

wherein in response to a single user command, if the different cell is not currently visible in a currently displayed portion of the program grid, the single user command causes the system to scroll the plurality of cells in the program grid so that at least some part of the different cell is visible. (Emphasis added).

The Office Action suggests Yamashita discloses such movement in col. 6, lines 27-38 and concludes “it would have been obvious to one of ordinary skill in the art . . . to combine the scrollable grid of Yamashita into the EPG of Schein.”

1. Yamashita Does Not Disclose the Claimed “Visual Indicator”

Yamashita further describes,

The operation unit 5 [shown in Fig. 1] is provided with a menu key 11 for displaying the menu screen, four cursor movement keys 12L, 12R, 12U, and 12D for moving a cursor horizontally and vertically, a select key 13 for selecting and inputting, and the like. When the user wishes to view a program guide screen, it suffices if the user operates the menu key 11 to display the menu screen, and then selects a program guide by operating the cursor movement keys 12L, 12R, 12U, and 12D and the select key 13. (Col. 4, lines 31-39).

The Examiner refers to the following paragraph of Yamashita,

If the position of the destination of the cursor movement is outside the program guide screen being displayed on the display unit 8, the slot corresponding to the position of the destination of cursor movement is set as the reference cell to change (scroll) the program guide screen (Step 13). Then, the operation returns to Step 2. Accordingly, the display table shown in FIG. 2 is created on the basis of the newly set reference slot, and a new program guide screen is displayed on the display unit 8. Namely, the program guide screen is updated. (Col. 6, lines 27-38).

This paragraph refers to scrolling the program guide screen and mentions a “reference cell”. The reference cell is not an “active cell”. It is simply a reference position (uppermost left position in FIG. 2) from which indexes may be calculated. (Col. 5, lines 5-14). The cited paragraph does not refer to any “visual indicator” for indicating an active cell at a single, active point in time in the grid, as recited in Applicant’s claim 1. So this paragraph appears not to disclose the features of the claimed “visual indicator” that are missing in Schein.

Specifically, Yamashita fails to disclose the following elements of Applicant’s claim 1:
a visual indicator including a position corresponding to a single point in time of an

active cell within said grid;
wherein a portion of said visual indicator specifying said active cell is visually different from another portion of said visual indicator,
wherein said visual indicator is movable relative to the axis in response to user commands.

C. Proposed Combination of Schein and Yamashita Fails to Teach or Suggest Claimed Visual Indicator - And Destroys Functionality of Schein

1. Independent Claims 1, 33, 65 and 97

Although Schein discloses a pointer 110 to select an area of the guide (col. 4, lines 27-32) the Examiner considers it obvious to modify the time line 199 of Schein such that each up, down, left or right user command causes the time line 199 (alleged visual indicator) to move to and activate a different cell within the grid that is adjacent to the currently active cell.

As described above, Schein's time line 199 is NOT movable relative to the time axis in response to user commands (including up, down, left or right user commands). Rather, the viewer moves pointer 110. The function of time line 199 is to represent "the current time". If time line 199 were modified as suggested by the Examiner to be movable in response to up, down, left and right user commands, then its location would fail to represent the "current time". This modification would therefore destroy the functionality of line 199 from serving as a "time line" that represents the current time. (Schein, col. 4, lines 59-61).

No person of ordinary skill in the art would interpret time line 199 to be movable relative to the axis (representing time) in response to user commands. Further, no person would be led by Yamashita to modify Schein to move axis 199 in the manner recited in claim 1, since such a modification would destroy its functionality as an indicator of the current time.

Even if Schein were modified according to Yamashita, such a modification would not involve movement of Schein's time line 199 to act as a visual indicator as recited in Applicant's claim 1. Rather, the resulting combination would incorporate movement of a cursor according to Yamashita, using cursor movement keys 12U, 12D, 12L and 12R. And such a cursor would not satisfy the characteristics of Applicant's claimed visual indicator.

Accordingly Applicant respectfully requests that the rejection of claim 1 (and similarly

independent claims 33, 65 and 97) under §103(a) based on Schein and Yamashita be withdrawn.

2. Independent Claims 65 and 97

In addition, claims 65 and 97 require the visual indicator to be “displayed on all cells of said active point in time disposed with said program grid.”

Schein’s time line 199 is displayed on all cells of a point in time, but time line 199 is not an indicator of an active cell disposed within the program grid, does not have a portion specifying said active cell that is visually different, and is not “movable relative to the axis in response to user commands”. Therefore, Schein’s time line 199 cannot be interpreted as the claims “visual indicator”.

Schein’s pointer 110 is movable by the viewer, but it does not satisfy the other limitations of the claimed visual indicator (as discussed above), and it is not “displayed on all cells of said active point in time disposed with said program grid” according to claim 65.

Therefore, Schein alone or in combination with Yamashita would fail to teach or suggest all elements of Applicant’s independent claims 65 and 97.

D. Dependent Claims - Examiner Mixes Elements of Time Line 199 with Elements of Pointer 110 in Attempt to Read on Same Claimed “Visual Indicator”.

The Office Action suggests incorrectly that Schein’s time line 199 anticipates specific characteristics and/or movements recited in various dependent claims. For example, Applicant notes the characteristics and/or movements recited in claims 4, 6, 9, 24-32 cannot possibly read on Schein’s time line 199.

For example, how can time line 199 indicate “one active cell” (claims 4 and 9) or move up (claim 24)?

Further, regarding claims 4, 6, 24-32, the Office Action refers to Schein’s “mouse pointer” when the rejection of claim 1 is based on the time line 199, not the mouse pointer.

The rejection of at least these claims (for example) is inconsistent with the basis for the rejection of claim 1. The Examiner cannot use the time line 199 of Schein for the “visual indicator” in the rejection of claim 1 and use the mouse pointer 110 for the same visual indicator in the

rejection of dependent claim 4.

A similar inconsistency applies to the rejections of dependent claims 36, 38, 41, 56-64, 68, 70, 73, 88-96, 100, 102, 105 and 120-128.

Since neither Schein nor Yamashita, either separately or in combination, discloses a visual indicator as recited in these dependent claims, Applicant respectfully requests that the rejection of these claims under §103(a) be reversed.

II. CLAIM REJECTIONS – 35 U.S.C. §103 BASED ON SCHEIN, YAMASHITA AND BROADUS

Claims 15-23, 47-55, 79-87 and 111-119 were rejected under 35 U.S.C. 103(a) as being unpatentable over Schein, U.S. Patent No. 6,412,110 in view of Yamashita, U.S. Patent No. 7,051,353 in view of Broadus, U.S. Publication No. 2002/0144264.

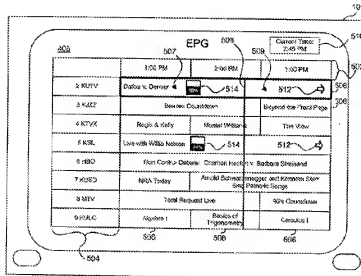


FIG. 5

Broadus discloses in FIG. 5 a visual indication of a completion status 514. Broadus states, “a separate visual indication 514 of the completion status of the media program may be displayed, either on the element 506, itself, or at another suitable location within the EPG 408.

The visual indication 514 may be embodied in various forms, such as a ratio bar graph (as shown in FIG. 5), a pie chart, or other similar indicator.” (Broadus, para. [0070]).

Broadus also explains that, “The elapsed and remaining portions 507, 509 may be distinguished by color, pattern, or another suitable visual distinction. For example, in one embodiment, the elapsed portion 507 may be indicated by the color red, which is commonly associated with completion, termination, or the like. Thus, if the user perceives the visual indication 514 to be almost entirely red, he or she will know that the program is almost completed.” [0077]. Broadus also discloses a completion line 508 representing the current time. (Broadus, para. [0064]).

Broadus does not disclose alone or in combination with Schein or Yamashita, said visual indicator including a position corresponding to a single point in time of an active cell within said grid, wherein said visual indicator is movable relative to the axis in response to user commands, and each up, down, left or right user command causes the visual indicator to move to and activate a different cell within the grid that is adjacent to the currently active cell, in the context of the other elements of Applicant’s independent claims 1 and 33, for example.

Broadus also does not disclose alone or in combination with Schein the elements of independent claims 65 and 97.

Thus, for at least due to their dependency on their respective independent claims, the rejections of claims 15-23, 47-55, 79-87 and 111-119 under 103(a) should be reversed.

II. CONCLUSION

Appellant respectfully requests that the Board reverse the Examiner and find all pending claims allowable.

Respectfully submitted,

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DDB:dmm

Appendix A

1. (Previously Presented) An electronic program guide system comprising:
 - a program grid including a plurality of cells, wherein each of said cells contains program information; and
 - a visual indicator of an active point in time disposed within said program grid;
 - said program grid including an axis representing time;
 - said visual indicator including a position corresponding to a single point in time of an active cell within said grid;
 - wherein a portion of said visual indicator specifying said active cell is visually different from another portion of said visual indicator, wherein said visual indicator is movable relative to the axis in response to user commands, and each up, down, left or right user command causes the visual indicator to move to and activate a different cell within the grid that is adjacent to the currently active cell, and wherein in response to a single user command, if the different cell is not currently visible in a currently displayed portion of the program grid, the single user command causes the system to scroll the plurality of cells in the program grid so that at least some part of the different cell is visible.
2. (Original) The system recited in claim 1, wherein said plurality of cells comprises a plurality of columns disposed along a horizontal axis and at least one row disposed along a vertical axis.
3. (Original) The system recited in claim 2, wherein the horizontal axis represents time, and said position corresponding to said single point in time is a horizontal position.
4. (Previously Presented) The system recited in claim 3, wherein said visual indicator is movable relative to the horizontal axis and vertical axis,

5. (Original) The system recited in claim 1, wherein said visual indicator is an information line.
6. (Original) The system recited in claim 1, wherein said visual indicator indicates one active cell within said grid.
7. (Original) The system recited in claim 5, wherein said information line is vertically oriented.
8. (Original) The system recited in claim 5, wherein said information line intersects a plurality of said cells.
9. (Previously Presented) The system recited in claim 8, wherein said visual indicator indicates one active cell within said grid and wherein said information line comprises a visually distinctive segment for indicating said active cell.
10. (Original) The system recited in claim 1, wherein said visual indicator is an icon.
11. (Original) The system recited in claim 1, wherein said visual indicator is a visually distinctive graphical element.
12. (Original) The system recited in claim 1, further comprising a visual indication of an active row within which said active cell is contained.
13. (Original) The system recited in claim 12, wherein said visual indication of said active row, in combination with said visual indicator of said active point in time, indicate said active cell.

14. (Original) The system recited in claim 1, further comprising a supplemental information display area, wherein said supplemental information display provides information on a program displayed within said active cell.

15. (Original) The system recited in claim 1, further comprising a duration strip that provides a visual indication of airing time for a program displayed within said active cell.

16. (Original) The system recited in claim 15, wherein said duration strip is disposed within said supplemental information display area.

17. (Original) The system recited in claim 15, wherein said duration strip is movable to correspond with movement of said visual indicator of said active cell.

18. (Original) The system recited in claim 15, wherein said duration strip comprises a visual indication that a portion of said airing time of said program is not displayed within said grid.

19. (Original) The system recited in claim 1, further comprising a descriptive label that provides additional information on a program displayed within said active cell.

20. (Original) The system recited in claim 19, wherein said descriptive label is disposed within said supplemental information display area.

21. (Original) The system recited in claim 19, wherein said descriptive label is movable to correspond with movement of said information line.

22. (Original) The system recited in claim 19, wherein the alignment of said descriptive label with respect to said information line depends upon the alignment of said information line with respect to the start of said active cell.

23. (Original) The system recited in claim 22, wherein text displayed in said supplemental information display area wraps around said descriptive label.

24. (Original) The system recited in claim 4, wherein, in response to a user command to move said visual indicator up, said visual indicator is relocated to a new vertical position without changing said horizontal position.

25. (Original) The system recited in claim 4, wherein, in response to a user command to move said visual indicator down, said visual indicator is relocated to a new vertical position without changing said horizontal position.

26. (Original) The system recited in claim 4, wherein a first active cell within said grid is indicated, said first active cell displaying program information for a first program.

27. (Previously Presented) The system recited in claim 26, wherein, in response to a single user command to move said visual indicator right, said visual indicator is relocated to a new horizontal position said new horizontal position corresponding to an end time of said first program.

28. (Previously Presented) The system recited in claim 27, wherein, in response to said user command to move said visual indicator right, said first active cell is deactivated, and a second cell becomes active, said second cell being located on the same row and to the right of previous said first active cell, said second cell displaying program information for a second program, said second program having a start time equal to said end time of said first program.

29. (Previously Presented) The system recited in claim 26, wherein, in response to a single user command to move said visual indicator left, said visual indicator is relocated to a new

horizontal position corresponding to the start time of said grid.

30. (Previously Presented) The system recited in claim 29, wherein, in response to said user command to move said visual indicator left, said first active cell is deactivated, and a second cell becomes active;

said second cell being located to the left of said first active cell;

said second cell being the first cell appearing in said grid on said row.

31. (Previously Presented) The system recited in claim 26, wherein, in response to a single user command to move said visual indicator left, said visual indicator is relocated to a new horizontal position corresponding to the start time of a second cell;

said second cell being located on the same row and to the left of said first active cell;

said second cell being immediately adjacent to said first active cell.

32. (Previously Presented) The system recited in claim 31, wherein, in response to said user command to move said visual indicator left, said first active cell is deactivated, and said second cell becomes active.

33. (Previously Presented) A method of displaying an electronic program guide comprising:

displaying on a display a program grid including a plurality of cells, wherein each of said cells contains program information, said program grid including an axis representing time; and

displaying a visual indicator of an active point in time of an active cell disposed within said program grid, said visual indicator having a position corresponding to a single point in time within said grid, wherein a portion of said visual indicator specifying said active cell is visually different from another portion of said visual indicator, and wherein said visual indicator is movable relative to the axis in response to user commands, and each up, down, left or right user command causes the visual indicator to move to and activate a different cell within the grid that is adjacent to the currently active cell, and wherein in response to a single user command, if the

different cell is not currently visible in a currently displayed portion of the program grid, the single user command causes the system to scroll the plurality of cells in the program grid so that at least some part of the different cell is visible.

34. (Original) The method recited in claim 33, wherein said plurality of cells comprises a plurality of columns disposed along a horizontal axis and at least one row disposed along a vertical axis.

35. (Original) The method recited in claim 34, wherein the horizontal axis represents time, and said position corresponding to said single point in time is a horizontal position.

36. (Previously Presented) The method recited in claim 35, wherein said visual indicator is movable relative to the horizontal axis and vertical axis.

37. (Original) The method recited in claim 33, wherein said visual indicator is an information line.

38. (Original) The method recited in claim 33, wherein said visual indicator indicates one active cell within said grid.

39. (Original) The method recited in claim 37, wherein said information line is vertically oriented.

40. (Original) The method recited in claim 37, further comprising intersecting said plurality of said cells with said information line.

41. (Previously Presented) The method recited in claim 40, wherein said visual indicator indicates one active cell within said grid and wherein said information line comprises a visually

distinctive segment for indicating said one active cell.

42. (Original) The method recited in claim 33, wherein said visual indicator is an icon.

43. (Original) The method recited in claim 33, wherein said visual indicator is a visually distinctive graphical element.

44. (Original) The method recited in claim 33, further comprising providing a visual indication of an active row within which said active cell is contained.

45. (Original) The method recited in claim 44, wherein said visual indication of said active row, in combination with said visual indicator of said active point in time, indicate said active cell.

46. (Original) The method recited in claim 33, further comprising displaying a supplemental information display area that provides information on a program displayed within said active cell.

47. (Original) The method recited in claim 33, further comprising, displaying a duration strip that provides a visual indication of airing time for a program displayed within said active cell.

48. (Original) The method recited in claim 47, wherein said duration strip is disposed within said supplemental information display area.

49. (Original) The method recited in claim 47, further comprising, moving said duration strip is movable to correspond with movement of said visual indicator of said active cell.

50. (Original) The method recited in claim 47, wherein said duration strip comprises a visual indication that a portion of said airing time of said program is not displayed within said grid:

51. (Original) The method recited in claim 33 further comprising, displaying a descriptive label that provides additional information on a program displayed within said active cell.

52. (Original) The method recited in claim 51 further comprising, displaying said descriptive label within said supplemental information display area.

53. (Original) The method recited in claim 51 further comprising, moving said descriptive label to correspond with movement of said information line.

54. (Original) The method recited in claim 51, wherein the alignment of said descriptive label with respect to said information line depends upon the alignment of said information line with respect to the start of said active cell.

55. (Original) The method recited in claim 54 further comprising, wrapping text displayed in said supplemental information display area around said descriptive label.

56. (Original) The method recited in claim 36 further comprising, relocating said visual indicator to a new vertical position without changing said horizontal position in response to a user command to move said visual indicator up.

57. (Original) The method recited in claim 36, further comprising, relocating said visual indicator to a new vertical position without changing said horizontal position in response to a user command to move said visual indicator down.

58. (Original) The method recited in claim 36, further comprising displaying a first active cell within said grid, wherein said first active cell displaying program information for a first program.

59. (Previously Presented) The method recited in claim 58, comprising relocating said visual indicator to a new horizontal position that corresponds to an end time of said first program, in response to a single user command to move said visual indicator right.

60. (Previously Presented) The method recited in claim 59 further comprising, in response to said user command to move said visual indicator right:

deactivating said first active cell;

activating a second cell, said second cell located on the same row and to the right of said first active cell;

displaying program information for a second program in said second cell, wherein said second program having a start time equal to said end time of said first program.

61. (Previously Presented) The method recited in claim 58 comprising, relocating said visual indicator to a new horizontal position corresponding to the start time of said grid, in response to a single user command to move said visual indicator left.

62. (Previously Presented) The method recited in claim 61 further comprising, in response to said user command to move said visual indicator left:

deactivated said first active cell; and

activating a second cell, said second cell being located to the left of said first active cell, wherein said second cell being the first cell appearing in said grid on said row.

63. (Previously Presented) The method recited in claim 58, comprising relocating said visual indicator to a new horizontal position corresponding to the start time of a second cell, in response to a single user command to move said visual indicator left, wherein said second cell being located on the same row and to the left of said first active cell, and wherein said second cell being immediately adjacent to said first active cell.

64. (Previously Presented) The method recited in claim 63, further comprising, in response to said user command to move said visual indicator left:

deactivating said first active cell is deactivated; and

activating said second cell.

65. (Previously Presented) A computer-readable medium having stored thereon sequences of instructions which, when executed by a processor, cause the processor to perform steps comprising:

displaying a program grid including a plurality of cells, wherein each of said cells contains program information, said program grid including an axis representing time; and

displaying a visual indicator of an active point in time of an active cell disposed within said program grid, said visual indicator having a position corresponding to a single point in time within said grid, wherein a portion of said visual indicator specifying said active cell is visually different from another portion of said visual indicator, the visual indicator being displayed on all cells of said active point in time disposed with said program grid, wherein said visual indicator is movable relative to the axis in response to user commands, and wherein the plurality of cells currently displayed in the program grid are stationary for at least some movements of the visual indicator to new positions within the cells currently displayed within the program grid.

66. (Original) The computer-readable medium recited in claim 65, wherein said plurality of cells comprises a plurality of columns disposed along a horizontal axis and at least one row disposed along a vertical axis.

67. (Original) The computer-readable medium recited in claim 66, wherein the horizontal axis represents time, and said position corresponding to said single point in time is a horizontal position.

68. (Previously Presented) The computer-readable medium recited in claim 67, wherein said

visual indicator is movable relative to the horizontal axis and vertical axis.

69. (Original) The computer-readable medium recited in claim 65, wherein said visual indicator is an information line.

70. (Original) The computer-readable medium recited in claim 65, wherein said visual indicator indicates one active cell within said grid.

71. (Original) The computer-readable medium recited in claim 69, wherein said information line is vertically oriented.

72. (Original) The computer-readable medium recited in claim 69, further comprising intersecting said plurality of said cells with said information line.

73. (Previously Presented) The computer-readable medium recited in claim 72, wherein said visual indicator indicates one active cell within said grid and wherein said information line comprises a visually distinctive segment for indicating said one active cell.

74. (Original) The computer-readable medium recited in claim 65, wherein said visual indicator is an icon.

75. (Original) The computer-readable medium recited in claim 65, wherein said visual indicator is a visually distinctive graphical element.

76. (Original) The computer-readable medium recited in claim 65, further comprising providing a visual indication of an active row within which said active cell is contained.

77. (Original) The computer-readable medium recited in claim 76, wherein said visual

indication of said active row, in combination with said visual indicator of said active point in time, indicate said active cell.

78. (Original) The computer-readable medium recited in claim 65, further comprising displaying a supplemental information display area that provides information on a program displayed within said active cell.

79. (Original) The computer-readable medium recited in claim 65, further comprising, displaying a duration strip that provides a visual indication of airing time for a program displayed within said active cell.

80. (Original) The computer-readable medium recited in claim 79, wherein said duration strip is disposed within said supplemental information display area.

81. (Original) The computer-readable medium recited in claim 79, further comprising, moving said duration strip is movable to correspond with movement of said visual indicator of said active cell.

82. (Original) The computer-readable medium recited in claim 79, wherein said duration strip comprises a visual indication that a portion of said airing time of said program is not displayed within said grid.

83. (Original) The computer-readable medium recited in claim 65 further comprising, displaying a descriptive label that provides additional information on a program displayed within said active cell.

84. (Original) The computer-readable medium recited in claim 83 further comprising, displaying said descriptive label within said supplemental information display area.

85. (Original) The computer-readable medium recited in claim 83 further comprising, moving said descriptive label to correspond with movement of said information line.

86. (Original) The computer-readable medium recited in claim 83, wherein the alignment of said descriptive label with respect to said information line depends upon the alignment of said information line with respect to the start of said active cell.

87. (Original) The computer-readable medium recited in claim 86 further comprising, wrapping text displayed in said supplemental information display area around said descriptive label.

88. (Original) The computer-readable medium recited in claim 68 further comprising, relocating said visual indicator to a new vertical position without changing said horizontal position in response to a user command to move said visual indicator up.

89. (Original) The computer-readable medium recited in claim 68, further comprising, relocating said visual indicator to a new vertical position without changing said horizontal position in response to a user command to move said visual indicator down.

90. (Original) The computer-readable medium recited in claim 68, further comprising displaying a first active cell within said grid, wherein said first active cell displaying program information for a first program.

91. (Previously Presented) The computer-readable medium recited in claim 90, comprising relocating said visual indicator to a new horizontal position that corresponds to an end time of said first program, in response to a single user command to move said visual indicator right.

92. (Previously Presented) The computer-readable medium recited in claim 91 further comprising, in response to said single user command to move said visual indicator right:

deactivating said first active cell;

activating a second cell, said second cell located on the same row and to the right of said first active cell;

displaying program information for a second program in said second cell, wherein said second program having a start time equal to said end time of said first program.

93. (Previously Presented) The computer-readable medium recited in claim 90 comprising, relocating said visual indicator to a new horizontal position corresponding to the start time of said grid, in response to a single user command to move said visual indicator left.

94. (Previously Presented) The computer-readable medium recited in claim 93 further comprising, in response to said user command to move said visual indicator left:

deactivating said first active cell; and

activating a second cell, said second cell being located to the left of said first active cell, wherein said second cell being the first cell appearing in said grid on said row.

95. (Previously Presented) The computer-readable medium recited in claim 90, comprising relocating said visual indicator to a new horizontal position corresponding to the start time of a second cell, in response to a single user command to move said visual indicator left, wherein said second cell being located on the same row and to the left of said first active cell, and wherein said second cell being immediately adjacent to said first active cell.

96. (Previously Presented) The computer-readable medium recited in claim 95, further comprising, in response to said user command to move said visual indicator left:

deactivating said first active cell is deactivated; and

activating said second cell.

97. (Previously Presented) A computer program embodied on a computer-readable storage medium for displaying an interactive electronic program guide comprising:

a code segment configured to cause a screen to display a program grid including a plurality of cells, wherein each of said cells contains program information, said program grid including an axis representing time; and

a code segment configured to cause a screen to display a visual indicator of an active point in time of an active cell disposed within said program grid, said visual indicator having a position corresponding to a single point in time within said grid, wherein a portion of said visual indicator specifying said active cell is visually different from another portion of said visual indicator, the visual indicator being displayed on all cells of said active point in time disposed with said program grid, wherein said visual indicator is movable relative to the axis in response to user commands, and wherein the plurality of cells currently displayed in the program grid are stationary on the screen for at least some movements of the visual indicator to new positions within the cells currently displayed within the program grid.

98. (Original) The computer program recited in claim 97, wherein said plurality of cells comprises a plurality of columns disposed along a horizontal axis and at least one row disposed along a vertical axis.

99. (Original) The computer program recited in claim 98, wherein the horizontal axis represents time, and said position corresponding to said single point in time is a horizontal position.

100. (Previously Presented) The computer program recited in claim 99, wherein said visual indicator is movable relative to the horizontal axis and vertical axis.

101. (Original) The computer program recited in claim 97, wherein said visual indicator is an

information line.

102. (Original) The computer program recited in claim 97, wherein said visual indicator indicates one active cell within said grid.

103. (Original) The computer program recited in claim 101, wherein said information line is vertically oriented.

104. (Original) The computer program recited in claim 101, further comprising a code segment configured to cause a screen to display said information line intersecting said plurality of said cells.

105. (Previously Presented) The computer program recited in claim 104, wherein said visual indicator indicates one active cell within said grid and wherein said information line comprises a visually distinctive segment for indicating said one active cell.

106. (Original) The computer program recited in claim 97, wherein said visual indicator is an icon.

107. (Original) The computer program recited in claim 97, wherein said visual indicator is a visually distinctive graphical element.

108. (Original) The computer program recited in claim 97, further comprising a code segment configured to cause a screen to display a visual indication of an active row within which said active cell is contained.

109. (Original) The computer program recited in claim 108, wherein said visual indication of said active row, in combination with said visual indicator of said active point in time, indicate

said active cell.

110. (Original) The computer program recited in claim 97, further comprising a code segment configured to cause a screen to display a supplemental information display area that provides information on a program displayed within said active cell.

111. (Original) The computer program recited in claim 97, further comprising a code segment configured to cause a screen to display a duration strip that provides a visual indication of airing time for a program displayed within said active cell.

112. (Original) The computer program recited in claim 111, wherein said duration strip is disposed within said supplemental information display area.

113. (Original) The computer program recited in claim 111, further comprising a code segment configured to cause a screen to move said duration strip to correspond with movement of said visual indicator of said active cell.

114. (Original) The computer program recited. in claim 111, wherein said duration strip comprises a visual indication that a portion of said airing time of said program is not displayed within said grid.

115. (Original) The computer program recited in claim 97 further comprising a code segment configured to cause a screen to display a descriptive label that provides additional information on a program displayed within said active cell.

116. (Original) The computer program recited in claim 115 further comprising a code segment configured to cause a screen to display said descriptive label within said supplemental information display area.

117. (Original) The computer program recited in claim 115 further comprising a code segment configured to cause a screen to move said descriptive label to correspond with movement of said information line.

118. (Original) The computer program recited in claim 115, wherein the alignment of said descriptive label with respect to said information line depends upon the alignment of said information line with respect to the start of said active cell.

119. (Original) The computer program recited in claim 118 further comprising a code segment configured to cause a screen to wrap text displayed in said supplemental information display area around said descriptive label.

120. (Original) The computer program recited in claim 100 further comprising a code segment configured to cause a screen to relocate said visual indicator to a new vertical position without changing said horizontal position in response to a user command to move said visual indicator up.

121. (Original) The computer program recited in claim 100, further comprising a code segment configured to cause a screen to relocate said visual indicator to a new vertical position without changing said horizontal position in response to a user command to move said visual indicator down.

122. (Original) The computer program recited in claim 100, further comprising a code segment configured to cause a screen to display a first active cell within said grid, wherein said first active cell displaying program information for a first program.

123. (Previously Presented) The computer program recited in claim 122, comprising a code

segment configured to cause a screen to relocate said visual indicator to a new horizontal position that corresponds to an end time of said first program, in response to a single user command to move said visual indicator right.

124. (Previously Presented) The computer program recited in claim 123 further comprising a code segment configured to cause a screen to display, in response to said user command to move said visual indicator right:

deactivation of said first active cell;

activation of a second cell, said second cell located on the same row and to the right of said first active cell; and

program information for a second program in said second cell, wherein said second program having a start time equal to said end time of said first program.

125. (Previously Presented) The computer program recited in claim 122 comprising, a code segment configured to cause a screen to relocate said visual indicator to a new horizontal position corresponding to the start time of said grid, in response to a single user command to move said visual indicator left.

126. (Previously Presented) The computer program recited in claim 125 further comprising, a code segment configured to cause a screen to display, in response to said user command to move said visual indicator left:

deactivation of said first active cell; and

activation of a second cell said second cell being located to the left of said first active cell, wherein said second cell being the first cell appearing in said grid on said row.

127. (Previously Presented) The computer program recited in claim 122, comprising a code segment configured to cause a screen to relocate said visual indicator to a new horizontal position corresponding to the start time of a second cell, in response to a single user command to move

said visual indicator left, wherein said second cell being located on the same row and to the left of said first active cell, and wherein said second cell being immediately adjacent to said first active cell.

128. (Previously Presented) The computer program recited in claim 127, further comprising a code segment configured to cause a screen to display, in response to said user command to move said visual indicator left:

deactivation of said first active cell; and
activation of said second cell.

129-160. (Canceled)

161. (Previously Presented) The electronic program guide system recited in claim 1, wherein the visual indicator is displayed on all cells of said active point in time disposed within the program grid.

162. (Previously Presented) The method recited in claim 33, wherein the step of displaying comprises displaying the visual indicator on all cells of the active point in time disposed within the program grid.

Evidence Appendix

None.

Related Proceedings Appendix

There are no known related appeals or interferences which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.